

job for the American people, allow our foresters to go out and gather in those burnt, bug-infested trees. And that we could, if we did this, probably bring in about a billion dollars over the next 2 years in additional revenues to the treasury.

Also we would be protecting the forest health. It is clear in my mind and all the experts say this, if we do not get rid of these dead and dying trees, then we are going to be faced with the problem of increased forest fires.

Last year we spent in fighting forest fires in the west \$1 billion. So we passed this emergency program yesterday and in it we created expedited procedures. We said that for the next 2 years, every sale will have to have an environmental assessment. There will have to be a biological opinion done, in which you look at the effect on endangered species, and if an agency, the Forest Service or the BLM are arbitrary and capricious, you can go into Federal court and stop that sale, that there will also be a period of time for administrative review. So we have created expedited judicial procedures and expedited environmental review, because if we do not act, if we do not get those trees while we can, we are going to lose this potential revenue to the Federal taxpayers.

Now, how much salvage is out there in the entire country? The Forest Service estimates that there is somewhere between 18- and 21-billion-board feet of this salvage that is out there. And today our lumber mills need saw logs. Our pulp and paper mills need chips. We have seen a dramatic reduction in harvesting of our Federal forest lands. And because of that, our mills are going out of business, particularly in the Pacific Northwest.

So I hope that the American taxpayers and the American people will support the Committee on Appropriations, will support the Taylor-Dicks amendment, which will allow this to happen.

I am glad that we had a bipartisan approach to this. The gentleman from North Carolina, Congressman TAYLOR, is a forester. He knows a lot about these matters. I have been working on these issues and trying to urge additional salvage for many, many years.

I think this is a win-win. We can protect the forest health by getting rid of these dead and dying trees, because if we do not do it, if we leave it out there, then we will have increased forest fires next year and we will have to spend billions more fighting the fires out in the west.

We also, by the way, the home builders of our country support this, because the cost of lumber in an ordinary \$135,000 has gone up by \$5,000 a house, because of the shortage of lumber.

This will give additional lumber supply and hopefully will reduce those prices. So it has a positive effect on housing as well.

I regret that we have to take this emergency step. I regret that we had to

do this in the Committee on Appropriations. But I want you to know that the chairman of the Committee on Resources and the chairman of the Committee on Agriculture, the two committees with authorizing jurisdiction, approved this measure, because they recognize the emergency.

In my own State of Washington, we have seen a dramatic reduction in timber harvesting of our Federal lands over the last several years. Many of the people who I grew up with, went to school with, have lost their jobs, have gone into bankruptcy because they used to depend on logs off our Federal lands and they cannot get them any longer.

And they come to me and say, "Norm, can't we please have those dead and dying trees, the ones that are burnt, that are going to rot and we can't use them after two or three years? Can't we go out there and get them?"

So this amendment will allow that to happen, and I hope when it comes to the floor that we will have unanimous support, as we did in the Committee on Appropriations of the House of Representatives.

□ 1530

AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. OXLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. TUCKER] is recognized for 60 minutes as the designee of the minority leader.

Mr. TUCKER. Mr. Speaker, I would like to take this time today in this special order to talk about an issue that is admittedly controversial but an issue that is going to be important to the well-being and the future of this country. That is, the issue of affirmation action.

This issue is about the fundamental right of minorities and women to participate in this society on every level without arbitrary and capricious barriers.

Mr. Speaker, affirmative action is a sledge hammer, created by this society, to smash the concrete barriers to opportunity. It was designed and implemented to erode the dual barriers of racism and sexism in this country, be it individual or institutional—intended or unintended. Mr. Speaker, throughout the history of this country, African-Americans have experienced the most humiliating and dehumanizing treatment every perpetrated on any group of people save the Native American.

The freedom of women and minorities to participate has been both a recent phenomenon and more importantly, a direct result of the Suffrage Movement, the Civil Rights Movement, the Voting Rights Act and just as importantly—affirmative action. While I know support for affirmative action

has dwindled, its necessity is as apparent as ever before.

I am here today to tell those Americans who would dismantle affirmative action and undermine the gains of minorities and women that their efforts will not succeed.

Before the discussion can begin on the dismantlement of a policy, before attempts can be made to reverse the gains made by people in the areas of diversity, access and inclusion, before America can even think about having race and gender neutral laws, America must answer the question—have we really removed race and gender bias? Every statistic seems to suggest that we have not.

Let me begin by defining what affirmative action is and how it came to be.

Affirmative action is a term that first appeared in the text of the 1935 Wagner Act.

Under the Wagner Act, employers who were found to have intentionally engaged in unfair labor practices against union organizers and members had to take "affirmative action, including reinstatement of employees."

In 1941, prior to U.S. entry into World War II, President Franklin D. Roosevelt issued Executive Order 8802 affirming that it was U.S. policy "To encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color or national origin."

Further, the order required that all future Defense contracts negotiated by the U.S. Government contain a non-discrimination clause.

Executive orders for the next 20 years built upon the nondiscrimination mandate of Executive Order 8802. These orders reaffirmed the Federal Government's commitment to equal opportunity and reorganized the administrative structures to implement non-discrimination policies in Federal employment under Government contract.

In 1961 President Kennedy issued Executive Order 10925 which endorsed a more proactive approach to equal opportunity and created the President's Committee on Equal Employment Opportunity.

The committee was directed "to consider and recommend additional affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination within the executive branch of the Federal Government. The order required that Government contractors agree not to engage in employment discrimination based on race, creed, color, or national origin, and agree to "Take affirmative action to ensure that applicants are employed, and that employers are treated during employment" without regard to these characteristics.

Not until the Civil Rights Act of 1964 did the U.S. House of Representatives see fit to apply affirmative action to private employers.

The Civil Rights Act of 1964 made it unlawful for employers to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

The act went on to provide a remedy in the event a court found that an employer had "intentionally engaged in * * * an unlawful employment practice."

For the first time in American history, women and people of color had a guarantee of an opportunity to do what white males had always been able to do; the right to dream of a future and a real opportunity to realize that dream.

Since the 1960's both the executive and legislative branch have crafted a wide range of Federal laws and regulations authorizing, either directly or by judicial or administrative interpretation, affirmative race and gender conscious strategies to promote minority and women opportunities in jobs, housing, education, voting rights, and Government contracting.

Every President since President Kennedy has supported affirmative action as a tool to overcome past as well as present discrimination. Current standards for affirmative action were recommended in the late 1960's to the Nixon administration by a group of several hundred large corporations. These recommendations, accepted by President Nixon and implemented by Secretary of Labor George Schultz, included the management by objectives concepts of employment goals and time tables.

During the Reagan administration, the majority of the Cabinet, led by Secretary Bill Brock, successfully fought efforts by Ed Meese and Clarence Thomas to undermine the executive order on affirmative action. They were joined by bipartisan majorities in both the House and Senate. By 2-to-2 votes, bipartisan majorities in the Senate have defeated Senator HELMS' last two attempts to ban affirmative action. The language in Senator HELMS' legislation was much like that of the referendum now being presented to voters in the State of California.

Polls consistently show that Americans, by a 3-to-2 margin, support Federal affirmative action programs as long as they do not involve quotas. In addition, a January 1995 Los Angeles Times poll showed that when people were asked whether "affirmative action programs designed to help minorities get better jobs and education go to far these days, or don't go far enough,

or are just about adequate," fifty-five percent said the programs are adequate or do not go far enough, while only 39 percent said the programs go too far.

I would submit that all Americans want a color or gender blind society, and that should be the goal of every American citizen. But serious discrimination still persists throughout this country. Study after study concludes that in employment, education, housing, and voting, minorities and women do not have equal opportunity. All too often, individual or institutional discrimination, whether it is intended or unintended, precludes minorities and women from participating in many levels of our society. As long as there is discrimination based on race and gender we must fashion remedies that take race and gender into account. Race and gender conscious remedies have proven to be essential and remain essential.

For nearly 20 years there have been those who have attempted to reverse the gains made in affirmative action. Each and every time they have been defeated. Moreover, the U.S. Supreme Court has repeatedly upheld the constitutionality of race and gender-based remedies. The Court has held that if Discrimination is based upon the hue of a persons skin or the anatomy to which that person is born—then the same shall be taken into account when fashioning a remedy.

For years, many opponents of affirmative action have been misrepresenting the law and the facts regarding affirmative action.

Too many politicians have attempted to divide this Nation by playing racial politics with the quota issue. Those tactics have led many to believe that affirmative action and quotas are one in the same.

In tough economic times, when people fear losing—and are in fact losing—their jobs, their promotions, and their quality of life, they feel the need to blame and to scapegoat others. In such an environment, divisive quota politics will always find a receptive audience. For years the courts have struggled contentiously to balance competing interests in order to meet the test of practical fairness to all parties. Our Nation's Highest Court has ruled that minority workers may be denied positions. If awarding the position would require the displacement of a white worker already holding the position. The test as articulated in *United Steel Workers versus Weber* is whether race-conscious remedies unnecessarily impede the progress or interests of the white employees. In employing Weber, courts have drawn lines between actions that "disappoint the expectations of whites and those that take away from them" a status that they have already attained. Various means have been utilized to provide redress to workers, black or white, whose legitimate expectations have been defeated through no fault of their own. Political bodies have a wider array of options than the courts to assure that no one

bears disproportionate burden in adjusting civil rights and seniority claims during tough economic times. If Predictions of future labor shortages are accurate, the dilemma should arise less frequently.

With respect to claims of the disintegration of merit standards by affirmative actions policies, it has been clear from the outset that Federal affirmative action policy recognizes and incorporates the principle of merit. The courts have repeatedly stated that the purpose of affirmative action is to create an environment where merit can prevail and that if a party is not qualified for a position in the first place, then affirmative action considerations do not come into play.

Though critics argue that the merit requirement is widely flouted, they have yet to produce any evidence of its widespread abuse. Most often, those critics argue not for the correction of the abuse, but the total dismantlement of affirmative action.

Mr. Speaker, after 250 years of slavery, 100 years of apartheid, and 40 years of intentional discrimination made legal by the States, minorities and women find themselves under attack.

The vitriolic attacks on affirmative action being spewed from the youths of persons across this Nation, in States and localities throughout this country, is alarming. To those who would suggest that America has reached a point where a nation blind to pigment and gender is now at hand and affirmative action is no longer needed, just take a look around.

White males are 33 percent of the U.S. population, yet 80 percent of tenured professors are white male, 80 percent of this body is white male, 90 percent of the other body is white male, 92 percent of the Forbes 400 is white male, 97 percent of all school superintendents and 99.9 percent of all professional sports owners are white males.

Since the beginning of this country, white males have been and continue to receive preferential treatment in hiring, in services, in contracting, in educational opportunities, and in housing.

Since Members of this body like to use anecdotes, let me relate a story of what happened to the speaker of the California State Assembly, one of the most—if not the most powerful man in the State, Willie Brown, Jr. Some years ago the honorable assembly speaker attempted to lease an apartment in the city of San Francisco. Upon inquiring about the availability of an apartment, the speaker was told that no apartments were available. Mr. Speaker, Speaker Brown asked a white friend to make the same inquiry at the same location—upon requesting to see that apartment that friend was promptly shown an available unit. Now some would argue that the incident has nothing to do with race, but for some of us we can find no other explanation.

The signals are clear that there are those in this country and in this body

who intend to roll back efforts on affirmative action and to call America's war on discrimination over.

I stand firm in my belief "that all men are created equal" and that given the recent history of this country, measures like the 1964 Civil Rights Act and subsequent court rulings were and continue to be necessary. If this were a homogeneous society without its history of hatred of oppression by the majority on the minority and women, there would be no need for affirmative action. This is not a homogeneous society. This is America, black, white, red, yellow, and brown: A nation of great diversity, representing every part of the world. Those who profess to support equality of opportunity while denigrating the remedies available to overcome this sad history, while offering no solutions, do nothing more than pay lip service to what women and minorities see as the most fundamental of human rights: The right to participate fairly and freely without arbitrary and capricious barriers.

I would submit to you, Mr. Speaker, and to this great Nation, that we cannot accept as truth, the notion that remedies designed to redress past, present, and future discrimination, are now somehow special rights conferred upon women and minorities. No matter how loud and how often these words are spoken, the truth is that these remedies are designed to lead to a more inclusive society. And on this issue there will be no retreat and there will be no surrender. All Americans should be guaranteed equality of opportunity. This proposed movement away from the inclusive policies of the past, presumes that we are now an inclusive society. The facts however reveal that we as a nation are not yet there.

If America wants to eliminate affirmative action while never frankly discussing her invidious racial past, and never accepting as a principle the equality of all persons; America will see the return of an era gone by. An era of mass demonstrations, boycotts, sit-ins, and whatever else is necessary, by any means necessary, to show this Nation and the world that American women and people of all colors; red, yellow, black, white, and brown, will not go back—and again I state on this issue there shall be no retreat and there shall be no surrender.

□ 1545

ACCOMPLISHMENT OF REPUBLICAN CONGRESS

The SPEAKER pro tempore (Mr. OXLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. NORWOOD. Mr. Speaker, we have now completed 59 days of very hard work in this House, and as I sit back and ponder what we have accomplished in these 59 days I am really struck by the differences in what we on

this side of the aisle are doing and what the Democrats are saying in opposition.

We want to take this country forward. We want to protect our Nation's future by reducing our national debt. But from the other side we hear very meek defenses and sometimes very loud defenses of the status quo.

We hear their cries to save the failed policies of the welfare state that they created over the last 40 years. And we hear their pleas to save the precious bureaucracy, for only the Federal bureaucrats know how to govern this Nation, they say.

Mr. Speaker, we owe very near \$5 trillion. We are adding another trillion every 4 years. We are paying almost \$300 billion annually in interest on our debt. There is no greater thing we must fear than our debt.

A trillion is a large number. I never can keep the zeros correct behind a trillion. But we owe almost \$5 trillion, and maybe to put that in perspective just a little bit, I would say that if we tried to pay off \$1 trillion of our debt and we chose to do that by paying \$1 every second, we would pay off that trillion dollars in 144,000 years. And I remind my colleagues perhaps that organized agriculture only started on this planet 10,000 years ago.

I hope that says to Members as it does to me that though 5 is small, trillion is a lot, and the young people in this room today surely must realize that if we continue on the path that we have been going we are spending their inheritance, and we are spending their future, and those of us who sit over here every day and listen to the mistruths on this side every day are simply trying to bring that in balance.

The Federal bureaucrats who seem to run this Nation are people that are hired by us with our tax dollars. These people are nonelected officials, and it is not my opinion that they know what is best. In this great country, it is true that we are responsible for ourselves, we have individual responsibilities, and the great thing about this Nation is that we are free, and we should all be able to reach for the heavens and be all we can be according to our abilities and our willingness to work without interference from a Federal bureaucracy, and that is what we have been saying for 59 days.

These people must get off our backs and quit taking our freedoms away.

Mr. Speaker, I would like for you to consider all of the things that we have accomplished. On the first day of this Congress we passed reforms to make this body more responsible, to limit the power of the committee chairmen who for years, along with the Speaker have run this government, who had dictatorial control during their Democratic regime.

We have cut the number of staffers, just like we said we would, and we have eliminated funding for the caucuses, just like we said we would. We have made this body more open and more re-

sponsible, all the while every day the Democrats gripe and complain.

Mr. Speaker on January 26 we took a step in this body that the vast majority of Americans asked us to do. We passed the BBA, the balanced budget amendment, after trying for years, and I cannot tell you how excited I was that night when over 300 Members of this body cast their veto giving us finally a balanced budget amendment.

It was exciting because the number was 300, in fact because it was a bipartisan effort, Members from both sides of the aisle finally realized that in order to get this Congress to have the guts to do what they are supposed to do there was no option left but to change the Constitution. Three hundred Members of this body voted for it. And this will basically restore fiscal sanity and bring us back from the brink of disaster that we peer over, and we do.

It was a vote to save the children of this great Nation from a daunting future ahead of them, it was a vote to save my granddaughter from a very uncomfortable future. We did the right thing. I know we did. And even though the amendment did not pass the Senate yesterday, I know we in this body did what we said we would do. We did what 80 percent of the Americans in this country asked us to do: We passed a balanced budget amendment.

And I know that you are watching, I know that the American people are watching, they are watching C-SPAN in greater numbers than any time in the history of C-SPAN. They will remember who stopped this amendment.

They will recognize that those in the Senate who voted against this amendment, though, said just a year ago they would gladly vote for a balanced budget amendment were some of the very same people that cut Social Security benefits to our senior citizens just last year by a tax increase; yet this year they say, no, we cannot have a balanced budget amendment because it might affect Social Security.

The American people will remember the names of those who voted for the amendment last year and against it this year. The American people will remember. And there will be, ladies and gentlemen, there will be accountability for defeating the will of the majority.

All the while a small group of Democrats in this body cried about the precious programs that they would lose because of a balanced budget amendment. It is almost as if these programs are more important to them than the fiscal security of this Nation.

We heard much the same arguments when we passed the line-item veto and the Unfunded Mandates Reform Act. With the line-item veto we gave the President the same power possessed by most of the Nation's Governors. We gave the President an important tool in our fight against the deficit. We released the States from a choking grasp of unfunded Federal mandates and all the while the Democrats fretted that